

JOINT  
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107  
and the

S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT  
1362 McMillan Avenue, Suite 400  
Charleston, South Carolina 29405

REGULATORY DIVISION  
Refer to: P/N #2008-00094-2IG-REVISED

29 AUGUST 2008

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 401 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

CLAM FARM PARTNERSHIP, LLC  
C/O SABINE & WATERS, INC.  
PO BOX 1072  
SUMMERVILLE, SOUTH CAROLINA 29484

for a permit to change the use of existing docks and construct a community dock in

**FOLLY CREEK**

at a location, on the west side of Folly Road just before crossing Folly Creek, in the Town of Folly Beach, Charleston County, South Carolina.  
(Latitude 32.67602° - Longitude -79.95179°)

In order to give all interested parties an opportunity to express their views

**NOTICE**

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

**12 O'CLOCK NOON, MONDAY, SEPTEMBER 29, 2008**

from those interested in the activity and whose interests may be affected by the proposed work.

PLEASE NOTE: This project is a revision to the plan proposed in SAC-2008-00094-2IG, previously advertised on March 7, 2008. ONLY COMMENTS IN RESPONSE TO THIS PUBLIC NOTICE WILL BE CONSIDERED.

The proposed work consists of changing the use of the existing dock from commercial use to community dock use and involves additional construction. The applicant proposes to construct a new 8' x 43' section of fixed pier from the existing fixed dock to a new 20' x 20' covered pierhead. From the new pierhead the applicant proposes to construct an 8' x 15' ramp leading to a new 8' x 250' floating dock. The applicant proposed to construct a total of 5 finger piers on the east side of the central floating dock, which will accommodate 10 boat slips. The proposed finger piers will be 8' wide and range from 30' to 60' long as shown on the plans. These revised plans

shift the proposed dock slightly downstream from the previous plan to address U. S. Coast Guard concerns. Additionally the new floating dock will be shifted toward the marsh and will be located in a way that the end of the floating dock will be approximately 10' from the adjacent marsh. Water and electrical service will be provided to the docks. The applicant has stated that no fuel or pump out services will be available. The applicant has stated that at the request of the Town of Folly Beach the applicant will provide for onsite parking for residential access to the community dock facility. The purpose of the proposed work as state by the applicant is to provide the Clam Farm community residents a private, recreational in the water boat docking/storage facility for a variety of boat sizes to allow residents an area to keep boats to provide recreational access to the Folly River without transporting boats to nearby overcrowded public launching facilities.

**NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the**

**1U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would have minimal impact on estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic

properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

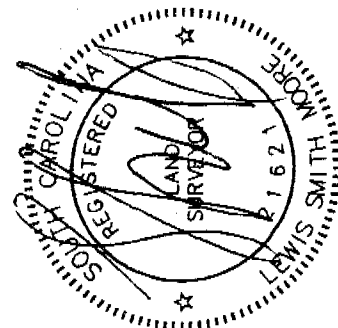
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

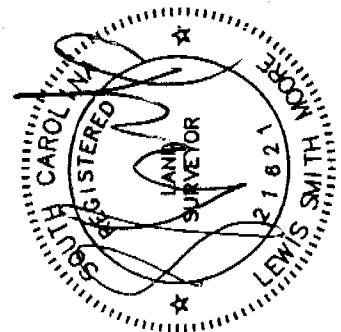
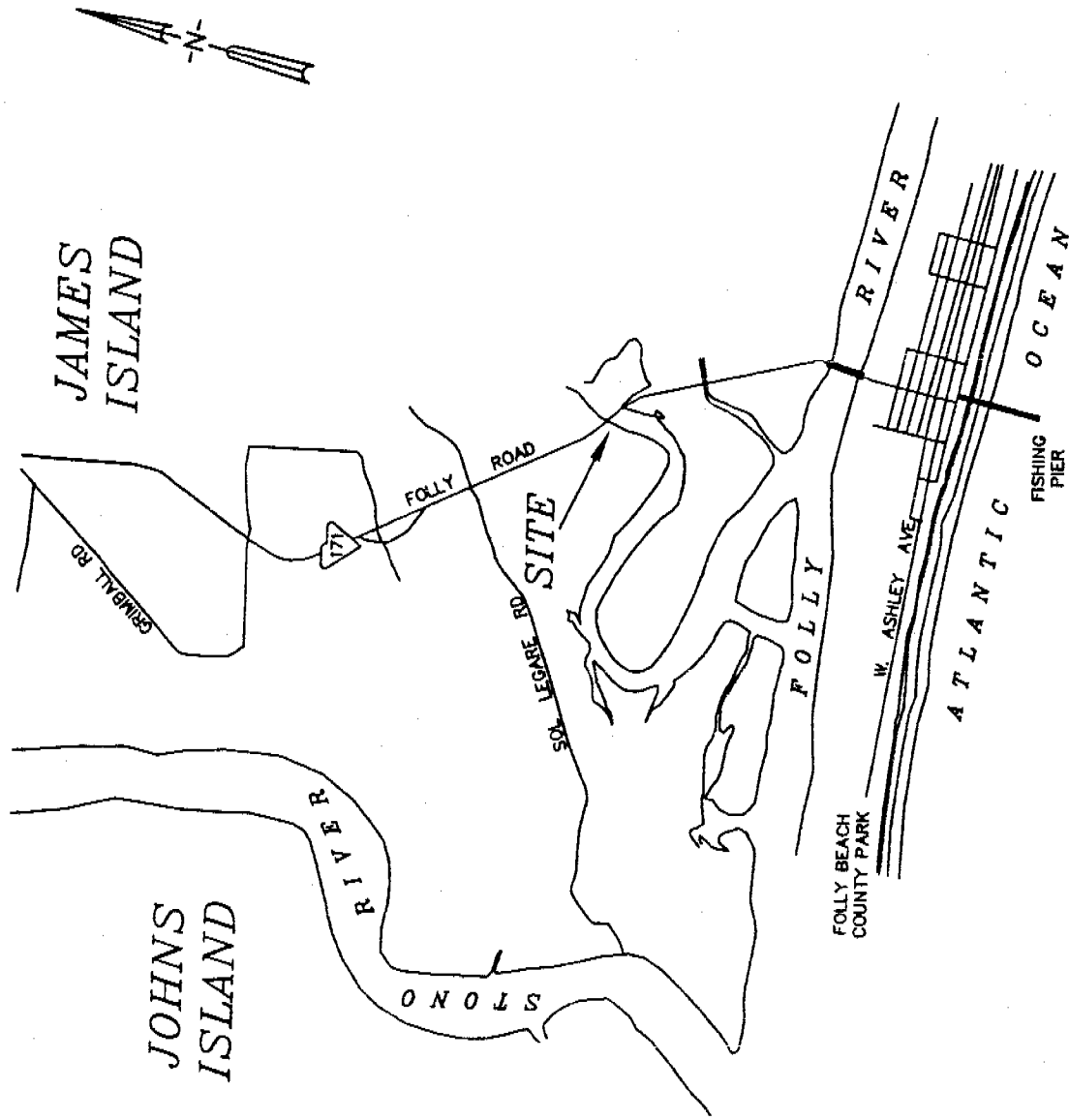
If there are any questions concerning this public notice, please contact Mary Hope Glenn at 843-329-8044 or toll free at 1-866-329-8187.

Bill Eiser  
Project Manager  
SCDHEC-OCRM



SCALE: 1" = 80'

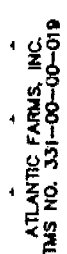
ELEVATIONS	PROJECT TITLE: CLAM FARM COMMUNITY DOCK		
	PROJECT LOCATION: FOLLY CREEK		
DATE INITIALS	APPLICANT: CLAM FARM PARTNERSHIP LLC		
REV 7/15/08	DATE: 11/01/07	SCALE: 1"=80'	
Rev 8/18/08	APPLICATION #	SHEET OF	SAC 2008-00004 210 4 4



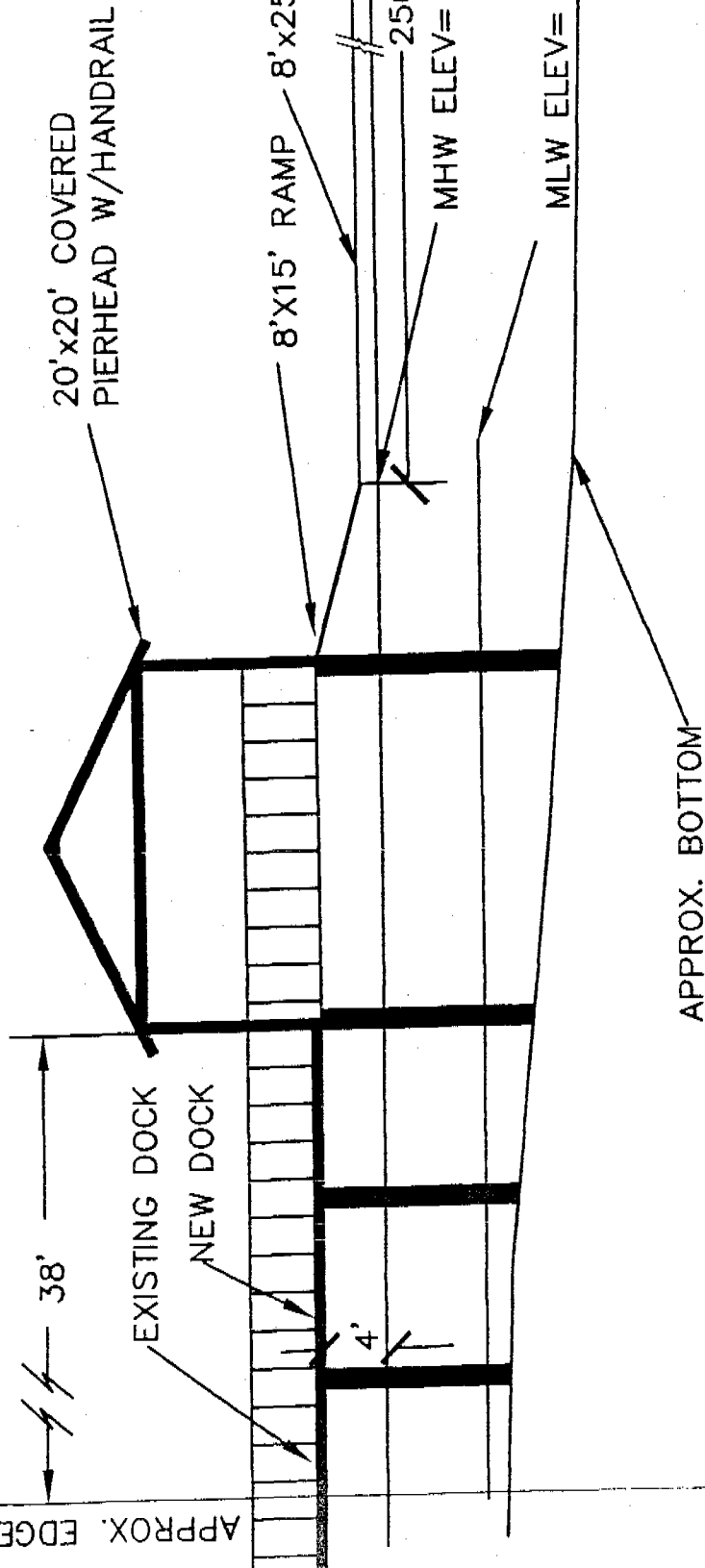
## SITE MAP

PROJECT TITLE: CLAM FARM COMMUNITY MARINA	
PROJECT LOCATION: FOLLY CREEK	
APPLICANT: CLAM FARM PARTNERSHIP LLC	
DATE: 11/01/07	SCALE: N.T.S.
APPLICATION # <i>REI11KED</i> SHEET <i>OF</i>	

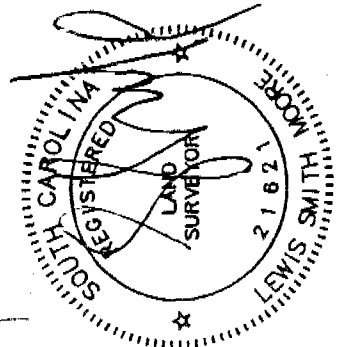
ELEVATIONS
DATE INITIALS
REV 7/15/08
REV 8/13/08



APPROX. EDGE MARSH



## PROFILE



PROJECT TITLE: CLAM FARM COMMUNITY MARINA	
PROJECT LOCATION: FOLLY CREEK	
APPLICANT: CLAM FARM PARTNERSHIP LLC	
DATE: 11/01/07	SCALE: N.T.S.
REVISION: 01/08/08	SHEET 3 OF 4
APPLICATION # SAC 2008-00094-21G	